

1 ROB BONTA
Attorney General of California
2 BENJAMIN G. DIEHL
Supervising Deputy Attorney General
3 ANDREW Z. EDELSTEIN (SBN 218023)
CRISTINA M. MATSUSHIMA (SBN 291220)
4 Deputy Attorneys General
300 South Spring Street, Suite 1702
5 Los Angeles, CA 90013-1230
Telephone: (213) 269-6218
6 Fax: (916) 731-2125
E-mail: Cristina.Matsushima@doj.ca.gov
7 *Attorneys for Defendant Board of Trustees of the California
State University*

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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA
11
12

13 **EDWIN HAMID NAHAVANDI,**

14 Plaintiff,

15 v.

16 **BOARD OF TRUSTEES OF THE**
17 **CALIFORNIA STATE UNIVERSITY (the**
18 **State of California acting in its higher**
education capacity),

19 Defendant.

2:24-cv-03791-RGK-MRWx

**DEFENDANT'S EX PARTE
APPLICATION TO CONTINUE TRIAL
AND RELATED DEADLINES DUE TO
ONGOING WILDFIRES;
MEMORANDUM OF POINTS AND
AUTHORITIES; DECLARATION OF
CRISTINA M. MATSUSHIMA**

[Proposed] Order Lodged Herewith

Date: N/A
Time: N/A
Courtroom: 850
Judge: Hon. R. Gary Klausner

Trial Date: April 29, 2025
Action Filed: May 7, 2024

EX PARTE APPLICATION

Defendant Board of Trustees of the California State University (CSU) applies *ex parte* to continue the April 29, 2025, trial and all related mediation, discovery, and motion deadlines by at least two months. Both of CSU's counsel of record have been impacted by the recent wildfires in Los Angeles County and therefore seek flexibility and extra time to complete discovery, prepare for and attend mediation, draft and file a motion for summary judgment, and prepare for trial. As of the time of this filing, Deputy Attorneys General Andrew Z. Edelstein and Cristina M. Matsushima are both subject to ongoing wildfire evacuation orders. Mr. Edelstein's home was completely destroyed in the Pacific Palisades fire, and he and his family have been displaced and are currently seeking shelter outside of Los Angeles. Although the trial date itself is in April 2025, **the deadlines to take Plaintiff's deposition, complete mediation, and file a motion for summary judgment are within the next 1-4 weeks**, thus the urgency.

Good cause exists to grant this Application and continue the trial date and related deadlines because:

1. Los Angeles County and local officials began issuing evacuation orders the week of January 6, 2025, when multiple wildfires broke out in Los Angeles County;

2. Deputy Attorneys General Andrew Z. Edelstein and Cristina M. Matsushima separately received evacuation orders on January 7 and 8, 2025, respectively due to the Pacific Palisades and Eaton wildfires;

3. As of the filing of this Application, both Mr. Edelstein and Ms. Matsushima are under ongoing evacuation orders and are currently displaced;

4. Mr. Edelstein's home was completely destroyed in the Pacific Palisades fire, and he and his family have sought shelter outside of Los Angeles;

5. Plaintiff's deposition was scheduled for January 8, 2025, but was postponed after CSU's counsel of record were both ordered to evacuate;

6. The parties are currently scheduled to attend mediation on January 17, 2025, and their mediation briefs are due January 10, 2025, but due to the evacuations, CSU's counsel requires additional time to complete CSU's brief and adequately prepare for the mediation;

1 7. CSU's last day to file a motion for summary judgment and/or adjudication is
2 February 14, 2025, but CSU cannot file the motion under after taking Plaintiff's deposition;

3 8. Due to the ongoing nature of the wildfires and uncertain extent of the resulting
4 damages or evacuation orders, CSU requests a continuance of all dates by at least two months to
5 afford all parties time to appropriately respond to these natural disasters;

6 9. Ms. Matsushima e-mailed Plaintiff Edwin Hamid Nahavandi (Plaintiff) on January 9,
7 2025, to request a stipulation regarding the continuance, but Ms. Matsushima has not received a
8 response;

9 10. The requested continuance will not prejudice Plaintiff, as Plaintiff does not seek any
10 time-sensitive or immediate relief via his Complaint;

11 11. CSU has not previously requested a trial continuance in this matter; and

12 12. CSU has complied with all applicable procedural rules (*see* Local Rules of the
13 Central District, Local Rule 7-19) and this Court's Standing Order (ECF 8).

14 This Application is based on the accompanying Memorandum of Points and Authorities,
15 the Declaration of Cristina M. Matsushima in Support Thereof, the pleadings on file in this
16 action, such evidence as the Court may take judicial notice, and the arguments of counsel at the
17 hearing, on this Application if there is a hearing.

18 Dated: January 10, 2025

Respectfully submitted,

19 ROB BONTA
20 Attorney General of California
21 BENJAMIN G. DIEHL
22 Supervising Deputy Attorney General

/s/ Cristina M. Matsushima

23 ANDREW Z. EDELSTEIN
24 CRISTINA M. MATSUSHIMA
25 Deputy Attorneys General
26 *Attorneys for Defendant Board of Trustees*
27 *of the California State University*
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MEMORANDUM OF POINTS OF POINTS AND AUTHORITIES

INTRODUCTION

Plaintiff Edwin Hamid Nahavandi (Mr. Nahavandi or Plaintiff) is suing the Board of Trustees of the California State University (CSU) for injunctive relief, alleging that CSU subjected him to antisemitic harassment, discrimination, and retaliation. ECF 1. On or around September 9, 2024, this Court issued an order scheduling the following dates:

April 29, 2025	Jury trial
April 14, 2025	Pretrial conference
February 14, 2025	Motion Cut-Off Date (last day to file)
January 31, 2025	Discovery Cut-Off Date (fact discovery)

ECF 43.

Defendant CSU respectfully requests that the Court issue an order continuing the April 29, 2025 trial and all discovery, motion, mediation, and other deadlines by at least two months. *See* ECF 43 (Civil Minutes), ECF 44 (Order for Jury Trial). As detailed herein, CSU seeks this relief because its counsel of record has been, and continues to be, directly impacted by the ongoing wildfires in Los Angeles County.

GOOD CAUSE FOR CONTINUANCE

Multiple wildfires broke out throughout Los Angeles County the week of January 6, 2025. On January 7, 2025, CSU's lead counsel of record, Deputy Attorney General Andrew Z. Edelstein, received and complied with an evacuation order. Declaration of Cristina M. Matsushima, ¶ 3. At approximately 6:00 a.m. on January 8, 2025, CSU's counsel of record, Deputy Attorney General Cristina M. Matsushima, received and complied with an evacuation order. *Id.* at ¶ 4.

Mr. Edelstein's house has since been completely destroyed in the Pacific Palisades fire. Matsushima Decl. ¶ 3. He and his family have sought refuge outside of Los Angeles. *Id.* As of the time of filing this Application, the Eaton wildfire remains ongoing, and Ms. Matsushima remains evacuated and is currently seeking temporary shelter with her family. *Id.* at ¶ 4.

1 **I. PLAINTIFF’S DEPOSITION**

2 Fact discovery cutoff in this matter is **January 31, 2025**. ECF 43. The parties were
3 scheduled to proceed with Plaintiff’s deposition on January 8, 2025, at 9:30 a.m. Matsushima
4 Decl., ¶ 5. After receiving her evacuation order around approximately 6:00 a.m. on January 8,
5 Ms. Matsushima promptly evacuated and then e-mailed Plaintiff to notify him that the deposition
6 would be rescheduled due to the evacuations. *Id.* Ms. Matsushima did not receive a response
7 from Plaintiff. *Id.* at ¶ 6. CSU’s counsel will continue attempting to contact Plaintiff to find a
8 mutually agreeable date for a rescheduled deposition. *Id.* at ¶ 7. CSU’s counsel anticipates
9 rescheduling the deposition by the of January, subject to the parties’ availability. *Id.*

10 Notably, because Plaintiff has not responded to any discovery in this matter – i.e., CSU’s
11 interrogatories, requests for admission, and requests for production – the deposition is a critical
12 discovery tool to determine whether any material issues of fact remain. *See* ECF 67 (Magistrate’s
13 Order re CSU’s Discovery Motion, dated December 18, 2024).

14 **II. MEDIATION**

15 A mediation is scheduled in this matter for **January 17, 2025**, with mediation statements
16 due January 10, 2025. Matsushima Decl. ¶ 8. Because both of CSU’s attorneys of record are
17 currently displaced, handling real-time effects of the wildfires, and often have only intermittent (if
18 any) access to internet, counsel do not anticipate being able to timely submit a mediation brief.
19 *Id.*

20 On January 9, 2025, Ms. Matsushima e-mailed the assigned mediator and Plaintiff to
21 request a continuance of the mediation and is awaiting a response. Matsushima Decl. ¶ 9.

22 **III. MOTION FOR SUMMARY JUDGMENT**

23 CSU intends to file a motion for summary judgment in this matter. The motion filing
24 deadline is currently February 14, 2025. ECF 43. To ensure its ability to file the most effective
25 motion, CSU seeks to file the motion after taking Plaintiff’s deposition and after receiving
26 Plaintiff’s court-ordered discovery responses on or before January 17, 2025. *See* ECF 67.
27 Plaintiff’s deposition was taken off calendar due to the wildfires, and CSU anticipates
28

1 rescheduling the deposition for late January 2025. The requested continuance would permit CSU
2 to finish conducting necessary discovery and file a motion for summary judgment.

3 **IV. CSU ATTEMPTED TO OBTAIN A STIPULATION**

4 On January 9, 2025, Ms. Matsushima e-mailed and called Plaintiff regarding the above-
5 referenced evacuation situations and requested that Plaintiff stipulate to the continuance.

6 Matsushima Decl. ¶ 10. As of the time of filing this Application, Plaintiff has not responded. *Id.*

7 **V. PLAINTIFF WILL NOT BE PREJUDICED BY A CONTINUANCE**

8 CSU has not previously requested a trial continuance in this matter. Matsushima Decl.
9 ¶ 11. The instant requested continuance will not prejudice Mr. Nahavandi. The conduct alleged
10 in the Complaint appears to have all taken place in 2022 and 2023, and the academic suspension
11 at issue is alleged to have terminated and the end of 2024. Plaintiff does not seek any time-
12 sensitive relief, particularly in light of the fact that he is not currently enrolled at any CSU
13 campus. CSU is unaware of any material reason to oppose its requested continuance. *Id.* at ¶ 12.

14 **VI. CSU HAS COMPLIED WITH ALL PROCEDURAL REQUIREMENTS**

15 CSU has complied with all applicable procedural rules (*see* Local Rules of the Central
16 District, Local Rule 7-19) and this Court's Standing Order (ECF 8, ¶ 11).

17 On January 9, 2025, Ms. Matsushima called and e-mailed Plaintiff requesting a stipulation
18 and, in the alternative, advising Mr. Nahavandi that CSU would move ex parte to obtain the
19 requested relief. Matsushima Decl. ¶ 10. Moreover, Ms. Matsushima's e-mail advised Mr.
20 Nahavandi that he must file any opposition by 3:00 p.m. on the first business day following
21 service. *Id.*

22 The address, phone number, and email for Mr. Nahavadi, according to the Complaint, are:

23 5710 Comanche Avenue
24 Woodland Hills, CA 91367
25 (818) 569-9673
Edwin.Nahavandi@gmail.com.

26 *See* Local Rules of the Central District, Local Rule 7-19 ("An application for an ex parte order
27 shall be accompanied by a memorandum containing if known the name address telephone number
28 and e-mail address of counsel for the opposing party.")

1 For all the foregoing reasons, CSU respectfully requests that the Court issue an order
2 continuing the trial date and all related deadlines in this matter for at least two months.

3 Dated: January 10, 2025

Respectfully submitted,

4 ROB BONTA
5 Attorney General of California
6 BENJAMIN G. DIEHL
7 Supervising Deputy Attorney General

/s/ Cristina M. Matsushima

8 ANDREW Z. EDELSTEIN
9 CRISTINA M. MATSUSHIMA
10 Deputy Attorneys General
11 *Attorneys for Defendant Board of Trustees*
12 *of the California State University*
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CERTIFICATE OF COMPLIANCE

The undersigned, counsel of record for Defendant Board of Trustees of the California State University, certifies that this brief contains 1,612 words.

Dated: January 10, 2025

Respectfully submitted,

ROB BONTA
Attorney General of California
BENJAMIN G. DIEHL
Supervising Deputy Attorney General

/s/ Cristina M. Matsushima

ANDREW Z. EDELSTEIN
CRISTINA M. MATSUSHIMA
Deputy Attorneys General
*Attorneys for Defendant Board of Trustees
of the California State University*

DECLARATION OF CRISTINA M. MATSUSHIMA

I, Cristina M. Matsushima, hereby declare:

1. I am a Deputy Attorney General with the Office of the Attorney General, and I am one of the attorneys representing Defendant Board of Trustees of the California State University (CSU) in the above-captioned matter. I submit this declaration in support of CSU's *Ex Parte* Application to Continue Trial and Related Deadlines Due to Ongoing Wildfires. I have personal knowledge of the contents set forth in this declaration and could competently testify thereto if called upon to do so.

2. Multiple wildfires broke out throughout Los Angeles County the week of January 6, 2025.

3. On January 7, 2025, CSU's lead counsel of record, Deputy Attorney General Andrew Z. Edelstein, received and complied with an evacuation order due to the Pacific Palisades wildfire. Mr. Edelstein's house has since been completely destroyed in the Pacific Palisades fire. He and his family have sought refuge outside of Los Angeles.

4. Around approximately 6:00 a.m. on January 8, 2025, I received and complied with an evacuation order due to the Eaton wildfire. As of the time of filing this Application, I remain under an active evacuation order, and my family is currently sheltering with relatives.

5. The parties were scheduled to proceed with Plaintiff's deposition on January 8, 2025, at 9:30 a.m. After receiving my evacuation order around approximately 6:00 a.m. on Wednesday, January 8, I promptly evacuated my home, re-located my family, and then e-mailed Plaintiff to notify him that the deposition would be rescheduled. A true and correct copy of my e-mail to Plaintiff, dated January 8-9, 2025, is attached as **Exhibit A**.

6. I did not receive a response from Plaintiff regarding his deposition.

7. I will continue to reach out to Plaintiff to find a mutually agreeable date for his continued deposition. Regardless of whether or not I hear back, I anticipate rescheduling Plaintiff's deposition for later this month.

8. A mediation is scheduled in this matter for January 17, 2025, with mediation statements due January 10, 2025. Because DAG Edelstein and I are both currently displaced and

1 handling real-time effects of the wildfires, neither of us has been able to complete our mediation
2 brief and provide the client an opportunity for review and comment.

3 9. On January 9, 2025, I e-mailed the assigned mediator and Plaintiff to request a
4 continuance of the mediation. A true and correct copy of my e-mail requesting to reschedule the
5 mediation is attached as **Exhibit B**.

6 10. On January 9, 2025, I called and e-mail Plaintiff regarding the above-referenced
7 evacuation situation and requested that Plaintiff stipulate to the continuance. *See* Exh. A. In an
8 additional e-mail, I notified Plaintiff that, absent stipulation, CSU would file an ex parte
9 application seeking continuance of the trial and related deadlines. *Id.* Via my e-mail, I advised
10 Plaintiff that his opposition would be due by 3:00 p.m. on the first business day following service.
11 To date, I have not received a response to any of my e-mails or my voicemail.

12 11. CSU has not previously requested a trial continuance in this matter.

13 12. CSU is unaware of any material reason to oppose its requested continuance.

14 13. CSU has complied with all applicable procedural rules (*see* Local Rules of the
15 Central District, Local Rule 7-19) and this Court's Standing Order (ECF 8, ¶ 11).

16 I declare under penalty of perjury and the laws of the United States of America that the
17 foregoing is true and correct.

18 Executed this 10th day of January 2025, in Los Angeles, California.

19
20 /s/ *Cristina M. Matsushima*

21 _____
Cristina M. Matsushima
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EXHIBIT A

From: [Cristina Matsushima](#)
To: edwin.nahavandi@gmail.com
Cc: [Andrew Edelstein](#); [Benjamin G. Diehl](#)
Bcc: [Cristina Matsushima](#)
Subject: Nahavandi v. CSU - Request re continuance & notice re ex parte application
Date: Thursday, January 9, 2025 3:04:00 PM

Mr. Nahavandi,

I have not received a response from you regarding my e-mail and voicemail from earlier today. If you opt not to stipulate to our requested continuance, CSU will file an ex parte application tomorrow seeking this relief. CSU will seek a two-month continuance of the trial and all related deadlines.

Please note that any opposing papers must be filed not later than 3:00 p.m. on the first business day following service. If you do not intend to oppose our ex parte application, you must inform the Courtroom Deputy Clerk at joseph_remigio@cacd.uscourts.gov.

Thank you.

CRISTINA M. MATSUSHIMA
Deputy Attorney General
California Department of Justice
Office of the Attorney General
300 South Spring Street, Suite 1702
Los Angeles, California 90013
Tel: (213) 269-6218
Fax: (916) 731-2125
cristina.matsushima@doj.ca.gov

From: Cristina Matsushima
Sent: Thursday, January 9, 2025 12:15 PM
To: edwin.nahavandi@gmail.com; edwin.hamid.nahavandi@gmail.com
Cc: Andrew Edelstein <Andrew.Edelstein@doj.ca.gov>; Benjamin G. Diehl <Benjamin.Diehl@doj.ca.gov>
Subject: Nahavandi v. CSU - Request re continuance
Importance: High

Mr. Nahavandi,

Mr. Edelstein and I were both evacuated from our homes earlier this week due to the wildfires. Because the fires are ongoing, it's unclear how long either or both of us will remain displaced.

In response to these emergency circumstances, we propose requesting a **2-month trial continuance**, which would also continue all remaining discovery, motion, and mediation deadlines. I will separately e-mail the mediator to request an alternative date, and you and I can discuss a mutually agreeable date for your postponed deposition.

Please let me know at your earliest convenience whether you will stipulate to a trial continuance or, in the alternative, whether you oppose such a continuance. I will file the necessary request with the court ASAP.

Thank you for your understanding, and I hope you are staying safe.

CRISTINA M. MATSUSHIMA

Deputy Attorney General
California Department of Justice
Office of the Attorney General
300 South Spring Street, Suite 1702
Los Angeles, California 90013
Tel: (213) 269-6218
Fax: (916) 731-2125
cristina.matsushima@doj.ca.gov

From: Cristina Matsushima

Sent: Wednesday, January 8, 2025 7:15 AM

To: edwin.nahavandi@gmail.com

Cc: Andrew Edelstein <Andrew.Edelstein@doj.ca.gov>; Benjamin G. Diehl <Benjamin.Diehl@doj.ca.gov>; Gail Agcaoili <Gail.Agcaoili@doj.ca.gov>

Subject: Nahavandi v. CSU - Deposition

Good morning,

My colleagues and I have been evacuated due to the fires, so the deposition will be postponed. We will NOT be proceeding today. Thank you.

Cristina

Cristina M. Matsushima

Deputy Attorney General
California Department of Justice
Office of the Attorney General
300 South Spring Street, Suite 1702
Los Angeles, California 90013
Tel: (213) 269-6218
Fax: (916) 731-2125
cristina.matsushima@doj.ca.gov

EXHIBIT B

From: [Cristina Matsushima](#)
To: llblackman@aol.com
Cc: edwin.nahavandi@gmail.com; [Andrew Edelstein](#)
Subject: Nahavandi v. CSU - Request to continue mediation due to wildfires
Date: Thursday, January 9, 2025 3:47:34 PM

Mr. Blackman,

I am writing on behalf of CSU to **request a continuance** of the mediation scheduled for January 17, 2025. Both Andrew Edelstein and I have been evacuated earlier this week due to the ongoing wildfires in Los Angeles County, and because the fires are still very much active, it remains unclear when we'll be able to return to our homes or to work.

I have separately e-mailed Mr. Nahavandi (who is copied here) to inform him that we will be seeking a trial continuance, including a continuance of all related motion, discovery, and mediation deadlines.

Could you please provide alternate mediation dates for 4-6 weeks out? Thank you.

CRISTINA M. MATSUSHIMA
Deputy Attorney General
California Department of Justice
Office of the Attorney General
300 South Spring Street, Suite 1702
Los Angeles, California 90013
Tel: (213) 269-6218
Fax: (916) 731-2125
cristina.matsushima@doj.ca.gov

CERTIFICATE OF SERVICE

Case Name: **Nahavandi v. Board of Trustees** No. **2:24-cv-03791-RGK-MRWx**
of the CSU, et al.

I hereby certify that on January 10, 2025, I electronically filed the following document with the Clerk of the Court by using the CM/ECF system.

**DEFENDANT'S EX PARTE APPLICATION TO CONTINUE TRIAL AND
RELATED DEADLINES DUE TO ONGOING WILDFIRES; MEMORANDUM
OF POINTS AND AUTHORITIES; DECLARATION OF CRISTINA M.
MATSUSHIMA**

I certify that participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system. In addition, I served the document by electronic mail addressed as follows:

Edwin Hamid Nahavandi
5710 Comanche Ave.
Woodland Hills, CA. 91367

Email: edwin.nahavandi@gmail.com

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on January 10, 2025, at Los Angeles, California.

G. Agcaoili
Declarant

/s/ G. Agcaoili
Signature